

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kurtis Hylton,)	
)	C/A No. 3:05-2271-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Angie Elkins and Dollar Tree Stores,)	
Inc.,)	
)	
Defendants.)	
_____)	

Plaintiff Kurtis Hylton brought this action pro se in the Magistrate’s Court for York County, South Carolina. The complaint appears to allege that he was discriminated at by his former employer, Defendant Dollar Tree Stores, Inc., and supervisor, Angie Elkins. As a result, Defendants removed the action to this court on the grounds of federal question jurisdiction. See 42 U.S.C. §§ 2000e, et seq. (Title VII of the Civil Rights Act of 1964).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge filed an order on August 22, 2005 giving Plaintiff twenty days to clarify the grounds for his cause of action. The copy of the Magistrate Judge’s order that was sent to Plaintiff was returned by the postal service as not deliverable. On November 8, 2005, the Magistrate Judge filed a second order instructing Plaintiff to notify the court within ten days as to whether he wished to continue with this case, and to provide a current address. The copy of the order that was sent to Plaintiff again was returned by the postal service, marked “NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD.” The Magistrate Judge issued a Report and Recommendation on November 14, 2005 in which he recommended that the complaint be dismissed without prejudice pursuant to Rule 41(b),

FRCP. To date, the envelope containing the Report and Recommendation has not been returned to the court. Plaintiff has filed no objections to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the case is dismissed *without prejudice* pursuant to Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 13, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.